

**CITY OF CENTRAL, COLORADO  
ORDINANCE 15-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CENTRAL, COLORADO APPROVING THE ACQUISITION OF  
PROPERTY COMMONLY KNOWN AS THE BIG-T LOT**

**WHEREAS**, the City of Central (the “City”) and Pinnacle Entertainment, Inc., a Delaware corporation (“Seller”) are in the process of finalizing the terms and conditions of that certain Purchase and Sale Agreement (the “Purchase Agreement”), which outlines the terms on which the Seller will convey certain property commonly known as the Big-T parking lot and situated in the City of Central, Gilpin County, Colorado (the “Subject Property”) to the City; and

**WHEREAS**, City is authorized by its Home Rule Charter and § 31-15-101(1)(d), C.R.S. to acquire the Subject Property; and

**WHEREAS**, a copy of the Purchase Agreement is on file with the City Clerk’s Office and is incorporated herein by reference; and

**WHEREAS**, the Subject Property is located immediately adjacent to City Hall; and

**WHEREAS**, a legal description of the Subject Property is attached to this Ordinance as **Exhibit A** and is incorporated herein by reference; and

**WHEREAS**, the City desires to acquire the Subject Property from the Seller in accordance with the terms and conditions set forth in the Purchase Agreement; and

**WHEREAS**, City Council finds that the acquisition of the Subject Property will promote the health, safety and general welfare of the Central City community; and

**WHEREAS**, Section 5.8 of the Home Rule Charter requires that every act making an appropriation shall be by Ordinance; and

**WHEREAS**, City Council desires to appropriate six hundred thousand dollars (\$600,000) from the General Fund in order to: (1) fund the acquisition of the Subject Property; and (2) fund necessary improvements to the Subject Property; and

**WHEREAS**, the City provided notice of a public hearing concerning this Ordinance in accordance with C.R.S. § 29-1-106 by publishing notice once in a newspaper of general circulation and held such public hearing as required by state statute; and

**WHEREAS**, the additional appropriations contemplated by this Ordinance do not exceed the amount of estimated revenues in the FY2015 budget; and

**WHEREAS**, the City Council declares the purchase of real property as provided by this Ordinance is an exercise of its administrative power as provided by Colorado law.

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL,  
COLORADO THAT:**

**Section 1. Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2. Acceptance of Subject Property.** The City Council hereby approves the acquisition of the Subject Property for the Purchase Price set forth in the Purchase Agreement and in accordance with the general terms and conditions set forth in the Purchase Agreement, after execution and delivery of all documents referenced in and associated with the Purchase Agreement, with the acceptance of title to the Subject Property being contingent upon recording of the conveyance deed to the Subject Property in the Clerk and Recorder's Office of Gilpin County, Colorado.

**Section 3. Execution of Documents.** The Mayor, Mayor Pro-Tem, City Manager, and City Clerk are authorized to execute all documents necessary to facilitate or complete the acquisition of the Subject Property, following the review and approval of all such documents as to form by the City Attorney's Office.

**Section 4. Amendments to FY 2015 Budget.** The Finance Director of the City of Central is authorized to make mathematical computations to the FY2015 Budget to ensure that the amendments provided by this Ordinance are properly accounted for and such Budget properly reflects the approved amendments.

**Section 5. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 6. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the \_\_\_\_ day of \_\_\_\_\_, 2015, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

\_\_\_\_\_  
Ronald E. Engels, Mayor

Approved as to form:

\_\_\_\_\_  
Marcus McAskin, City Attorney

ATTEST:

\_\_\_\_\_  
Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF CENTRAL, COLORADO**

\_\_\_\_\_  
Ronald E. Engels, Mayor

**ATTEST:**

\_\_\_\_\_  
Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY** in the Weekly Register Call newspaper on \_\_\_\_\_, 2015.

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING]** in the Weekly Register Call newspaper on \_\_\_\_\_, 2015.

**CITY OF CENTRAL, COLORADO**

\_\_\_\_\_  
Ronald E. Engels, Mayor

**ATTEST:**

\_\_\_\_\_  
Reba Bechtel City Clerk

**EXHIBIT A  
LEGAL DESCRIPTION**

Parcel I:

Lot 1, EXCEPT that portion covered by Highway 279, also known as Spring Street,  
All Lots 2, 3, 4, 5, 6, 7, and the Northeasterly six (6) feet of Lot 8, including that part of  
the Montana Mill Site lying within the boundaries of the said Northeasterly six (6) feet of  
said Lot 8, which lies between and extends from Spring Street to Nevada Street,  
Block 20,

Parcel II:

The PIERCE LODGE and MILL SITE, U. S. Survey No. 105 A and B, as created by  
United States Patent recorded on June 13, 1872, in Book 53 at Page 262, County of  
Gilpin, State of Colorado

Parcel III:

Lot 16,  
Block 20,

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The above property is commonly known and referred to as the “Big-T” parking lot.

Gilpin County Assessor Account Numbers: R002385, R002388, N0023785

Gilpin County Parcel ID Numbers: 183512301047, 183512301065, 105-PIERCE&MS